

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
088/01925

In Re Application Of: Ari DEROWE et al.

MAY 18 2004

Serial No.
09/701,531

Filing Date
November 28, 2000

Examiner
HO, Tan-Uyen T.

Group Art Unit
3731

Title: **METHODS AND DEVICES FOR VASCULAR SURGERY**

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☒ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☒ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

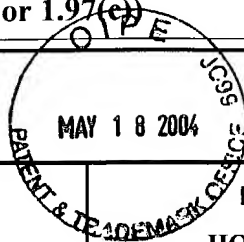
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Docket No.
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09/701,531

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Examiner

HO, Tan-Uyen T.

Group Art Unit

3731

METHODS AND DEVICES FOR VASCULAR SURGERY**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

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Allan C. Entis
Signature

Dated: May 9, 2004

Allan C. ENTIS, Reg. No. 52,866

William H. Dippert, Esq.
Reed Smith LLP
599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

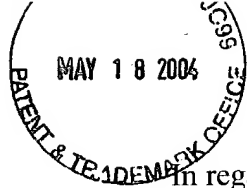
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regard to the application of: Ari DEROWE et al.

Serial No : 09/701,531

Group Art Unit: 3731

Filed : November 28, 2000

Examiner: HO, U. T.

For : METHODS AND DEVICES FOR VASCULAR SURGERY

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Sir:

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Applicants respectfully direct the attention of the Examiner to additional art cited with respect to the present application.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP 2001.06, MPEP 1893.03(e) and MPEP 1893.03(g) and to indicate in the next office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 CFR §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached are copies¹ of the art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

Applicants wish to point out that items 1-3 were cited on the English-language Supplementary European Search Report, dated April 20, 2004, of European Patent Application No. 99 92 2479, a copy of which is also attached hereto. The other item mentioned on this Search Report was already cited in the present application (i.e. U.S. Patent No. 4,214,587 was cited in an earlier Information Disclosure Statement.) Additionally, since item 1 is in a foreign

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language, the afore-mentioned English-language Supplementary EP Search Report citing it has been attached.


A certification under 37 C.F.R. §1.97(e) is attached hereto.

In accordance with MPEP Section 609 it is requested that each document cited [including any mentioned in Applicants' specification which is not repeated on the attached (or prior) PTO-1449 form(s) or equivalent(s)] be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 CFR §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,
Ari DEROWE et al.


Allan C. ENTIS,
Registration No. 52,866

May 9, 2004
William H. Dippert, Esq.
Reed Smith LLP
599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

Tel: (212) 521-5400



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regard to the application of: Ari DEROWE, et al.

Serial No : 09/701,531

Group Art Unit: 3731

Filed : November 28, 2000

Examiner: HO, U. T,

For : METHODS AND DEVICES FOR VASCULAR SURGERY

CERTIFICATION UNDER 37 CFR 1.97(e)

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Sir:

This is to certify that each item of information contained in the attached Supplementary Information Disclosure Statement was first cited in a communication from European Patent Office in a counterpart European Application No. 99 92 2479, not more than three months prior to the filing of the statement.

Enclosed is a copy of the communication dated April 20, 2004, from the European Patent Office, clearly showing that the Information Disclosure Statement is being submitted within 3 month of the date of the communication.

The Examiner is respectfully requested to review the art in accordance with 37 C.F.R. §1.97(e).

Respectfully submitted,
Ari DEROWE, et al.


Allan C. ENTIS,
Registration No. 52,866

May 9, 2004
William H. Dippert, Esq.
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PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
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Applicant: Ari Derowe, et al.
Serial No: 09/701,531
Filing Date: November 28, 2000
For: METHODS AND DEVICES FOR VASCULAR SURGERY
Enclosures: (1) Transmittal of Information Disclosure Statement (3 pages); (2) Ninth Supplementary Information Disclosure Statement (2 pages) with Certificate Under 37 CFR §1.97(e); EPO Search Report; IDS Citation (1 page) and three references; (3) Acknowledgement Postcard.

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Ingekomen 21 APR 2004

Paraaf Bewerker

T 20-5-04

Rapp client

Datum/Date

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Zeichen/Ref./Réf.

BO 44229 EVR

Anmeldung Nr./Application No./Demande n°./Patent Nr./Patent No./Brevet n°.

99922479.3-2318-IL9900284

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

By-Pass, Inc.

COMMUNICATION

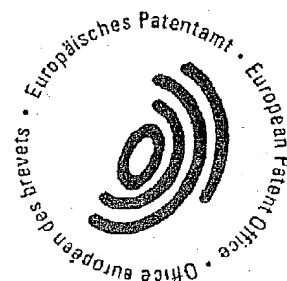
The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☐ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
A	US 4 214 587 A (SAKURA, JR.) 29 July 1980 (1980-07-29) * the whole document *	1	A61B17/56 A61B17/11
A	WO 98/07399 A (BETH ISRAEL DEACONESS MEDICAL CENTER) 26 February 1998 (1998-02-26) * abstract; figures *	1	
A	WO 98/16161 A (TRANSVASCULAR, INC.) 23 April 1998 (1998-04-23) * page 86, line 21 - page 88, line 18; figure 9f *	1	
A	DE 297 13 335 U (QUATCHADZE) 16 October 1997 (1997-10-16) * figures *	1	
			TECHNICAL FIELDS SEARCHED (Int.Cl.6)
			A61B A61F
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
Place of search The Hague		Date of completion of the search 14 April 2004	Examiner Giménez Burgos, R
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	

ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO.

EP 99 92 2479

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14-04-2004

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 4214587	A	29-07-1980	NONE	
WO 9807399	A	26-02-1998	US 5797920 A	25-08-1998
			AU 728645 B2	11-01-2001
			AU 3980097 A	06-03-1998
			CA 2264289 A1	26-02-1998
			EP 0949893 A1	20-10-1999
			JP 3463938 B2	05-11-2003
			JP 2001500033 T	09-01-2001
			US 6007544 A	28-12-1999
			WO 9807399 A1	26-02-1998
WO 9816161	A	23-04-1998	US 6190353 B1	20-02-2001
			US 5830222 A	03-11-1998
			AU 1275997 A	11-05-1998
			AU 733332 B2	10-05-2001
			AU 1847297 A	22-08-1997
			AU 723785 B2	07-09-2000
			AU 1847397 A	22-08-1997
			CA 2244079 A1	07-08-1997
			CA 2244080 A1	07-08-1997
			CN 1218414 A	02-06-1999
			CN 1216929 A	19-05-1999
			EP 0879068 A1	25-11-1998
			EP 0932426 A1	04-08-1999
			JP 2000504594 T	18-04-2000
			JP 2000505316 T	09-05-2000
			US 6660024 B1	09-12-2003
			US 6283951 B1	04-09-2001
			WO 9816161 A1	23-04-1998
			WO 9727893 A1	07-08-1997
			WO 9727898 A1	07-08-1997
			US 6638293 B1	28-10-2003
			US 6616675 B1	09-09-2003
			US 2002123698 A1	05-09-2002
			US 6379319 B1	30-04-2002
			US 6375615 B1	23-04-2002
			US 2003229366 A1	11-12-2003
			US 2004059280 A1	25-03-2004
			US 6655386 B1	02-12-2003
			US 2002002349 A1	03-01-2002
			US 6302875 B1	16-10-2001
			US 2002029079 A1	07-03-2002
			US 2001047165 A1	29-11-2001
			US 6432127 B1	13-08-2002
			US 2002062146 A1	23-05-2002

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For more details about this annex : see Official Journal of the European Patent Office, No. 12/82

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14-04-2004

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9816161 A		US 6068638 A	30-05-2000
		US 6159225 A	12-12-2000
		US 6283983 B1	04-09-2001
		US 6231587 B1	15-05-2001
		US 2003236542 A1	25-12-2003
		US 6709444 B1	23-03-2004
DE 29713335 U	16-10-1997	DE 29713335 U1	16-10-1997

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	ATTY DOCKET NO. 088/01925	SERIAL NO. 09/701,531
	APPLICANT(S) Ari DEROWE, et al.	
	FILING November 28, 2000	GROUP 3731

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	1	DE 297 13 335	27 Nov '97	GERMANY				
	2	WO 98/07399	26 Feb '98	PCT				
	3	WO 98/16161	23 Apr '98	PCT				

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

EXAMINER		DATE CONSIDERED
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